

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
5744 HOUSE JUDICIARY 148

(6) a description of the available space, facilities and equipment; and

(7) an outline for each course which is part of the program, describing the content, skill to be achieved, and approximate classroom hours to be spent on each topic.

(c) The council will, in its discretion, approve the application of an institution for certification of a program of instruction as meeting the requirements of the classroom phase of the basic program provided for in 13 AAC 85.050(a) and (b), 13 AAC 89.040, or 13 AAC 89.050 if the institution and program meet the following criteria:

(1) the courses, curriculum and instruction are adequate in content, quality and length to provide students with the education and training necessary to become successful, knowledgeable and effective police officers;

(2) the program of instruction meets the requirements of 13 AAC 85.050(a) and (b), 13 AAC 89.040, or 13 AAC 89.050;

(3) the institution has adequate space, equipment, instructional materials and instructor personnel to provide training of good quality;

(4) the directors and administrators have adequate training and experience and the instructors are certified under 13 AAC 87.040;

(5) a copy of the program outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy and rules of operation and conduct are furnished to students upon enrollment;

(6) adequate records are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress and conduct are enforced;

(7) written examinations are required of each student in these courses for which written examinations are appropriate, and practical tests are required in those courses such as firearms training where practical tests are appropriate;

(8) the institution gives its students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed;

(9) a certificate of successful completion is not awarded by the institution except in compliance with 6 AAC 70.050(c);

(10) the institution is financially sound and capable of fulfilling its commitments for training;

(11) the institution furnishes the council within seven days after the completion of each program a roster of those students who attended at least 90 percent of the classes offered (in class-hours) and the roster must show the full name, rank, department and examination scores for each student completing the program and must be signed by the institution director or coordinator.

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(d) An institution is subject to periodic inspection by the council or its representatives to assure compliance with this section. (Eff. 8/10/73, Register 47; am. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240
AS 18.65.260

13 AAC 87.020. CERTIFICATION OF OTHER POLICE TRAINING PROGRAMS.

(a) The council will, in its discretion, certify programs of instruction designed to provide police officers with continuing education and training in supervisory, mid-management, executive, specialized and in-service subjects.

(b) An application by an institution for certification of a program of instruction under this section must be submitted on a form prescribed by the council and must be accompanied by the information specified in 13 AAC 87.010(b)(1) — (7).

(c) The council will, in its discretion, approve the application of an agency or institution for certification of a program of instruction, if the program meets the following criteria:

(1) the courses, curriculum and instruction are adequate in content, quality and length to satisfy one or more of the purposes specified in (a) of this section;

(2) the agency or institution and program are in compliance with the requirements of 13 AAC 87.010.

(d) The institution shall be subject to periodic inspection by the council or its representatives to assure compliance with this section. (Eff. 8/10/73, Register 47; am 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.230
AS 18.65.240

13 AAC 87.030. FINANCIAL ASSISTANCE. (a) No agency or institution will receive financial assistance from the council for a police training program unless the program is certified by the council under this chapter.

(b) No agency or institution will receive financial assistance from the council for a police training program unless it is made available to all qualified police officers, except that the agency or institution may limit class size. An agency or institution of the state or a municipality which maintains a police training program primarily for training its own police officers may give preference to its own officers in enrollment. (Eff. 8/10/73, Register 47; am 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.230
AS 18.65.260

13 AAC 87.040. CERTIFICATION OF POLICE INSTRUCTORS. (a) The council will certify instructors considered qualified to teach in one or more of the prescribed training courses on the basis of the standards provided in this section.

(b) Instructors are eligible for certification if they meet the following minimum qualifications in the areas of education, training, and experience:

(1) A person applying for certification to teach police subjects, including patrol, investigation, or the use of firearms must have

(A) a high school diploma or its equivalent;

(B) three years' experience as a police officer;

(C) 40 hours of verified training in each subject to be taught;

(D) 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and

(E) a recommendation by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020, or by the applicant's police department head;

(2) A person applying for certification to teach general subjects, including management, human relations, or administration, must have

(A) a baccalaureate degree;

(B) three years' experience in the subject to be taught; and

(C) a recommendation by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020.

(c) The council will, in its discretion, waive any part of the requirements of (b) of this section if it finds that a person, although not meeting all of the eligibility requirements, is otherwise qualified to be an instructor.

(d) The director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020 must supervise all instructors to insure that instructional excellence is maintained.

(e) Instructor certification will, in the council's discretion, be revoked whenever an instructor is found by the council to be no longer qualified. Revocation of instructor certification will be considered by the council if

(1) an instructor is terminated or asked to resign, or resigns instead of discharge for cause by his employer;

(2) there is a recommendation to revoke certification by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020 or by the instructor's employer for failure to provide adequate instruction; or

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

13 AAC 87.040. CERTIFICATION OF POLICE INSTRUCTORS. (a) The council will certify instructors considered qualified to teach in one or more of the prescribed training courses on the basis of the standards provided in this section.

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(D) 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and

(E) a recommendation by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020, or by the applicant's police department head;

(2) A person applying for certification to teach general subjects, including management, human relations, or administration, must have

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(B) three years' experience in the subject to be taught; and

(C) a recommendation by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020.

(c) The council will, in its discretion, waive any part of the requirements of (b) of this section if it finds that a person, although not meeting all of the eligibility requirements, is otherwise qualified to be an instructor.

(d) The director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020 must supervise all instructors to insure that instructional excellence is maintained.

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(3) the holder of the instructor certificate falsified or omitted in-
formation required to be provided on an application for certification
or on supporting documents.

(f) Repealed 10/18/81.

(g) A person who is currently certified or licensed by the State of
Alaska or a nationally recognized certifying body need not be certified
by the council to teach police officers in the subject for which the
person is certified or licensed.

(h) The director of a training program certified by the council under
13 AAC 87.010 or 13 AAC 87.020 must furnish the council documen-
tary verification of the certification or licensure of a person specified
in (g) of this section before council approval as an instructor will be
considered.

(i) An instructor certificate becomes inactive if the holder of the
certificate does not instruct at least one course certified by the council
under 13 AAC 87.010 or 13 AAC 87.020 each calendar year.

(j) An inactive instructor certificate may be reactivated upon writ-
ten request of the director of a training program certified under 13
AAC 87.010 or 13 AAC 87.020, or of the applicant's police department
head, following the applicant's instruction of at least one course certi-
fied by the council under 13 AAC 87.010 or 13 AAC 87.020 under
direct supervision of a currently certified instructor. (Eff. 11/25/77,
Register 64; am 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.230
AS 18.65.240

13 AAC 87.090. DEFINITIONS. In this chapter "council" means
the Alaska Police Standards Council. (Eff. 8/10/73, Register 47)

Authority: AS 18.65.220
AS 18.65.290

CHAPTER 89. MINIMUM STANDARDS FOR VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS

Section	Section
10. Basic standards for village police of- ficers and village public safety offi- cers	50. Village public safety officer training program
20. Employment for village police offi- cers and village public safety offi- cers	60. Extension and reciprocity
30. Certification of village police officers and village public safety officers	70. Denial, revocation and lapse of cer- tificates
40. Village police officer basic training program	80. Personnel reports and training records
	140. Exemption
	150. Definitions

13 AAC 89.010. BASIC STANDARDS FOR VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS. (a) The basic standards for a village police officer or village public safety officer are

- (1) that the person is 19 years of age or older;
- (2) that the person is a citizen of the United States or a resident alien who has demonstrated an intent to become a citizen of the United States;
- (3) that the person is of good moral character; misdemeanor convictions, other than minor traffic offenses, during the 10 years before application will, in the council's discretion, be considered by the council in determining moral character;
- (4) that the person has not been convicted of a felony or been incarcerated, on probation, or on parole after conviction of a felony, by a court of the United States or of any state or territory during the 10 years before application; a felony conviction in another jurisdiction for an offense which is not a felony in Alaska does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime which resulted in serious physical injury or a threat of serious physical injury; and
- (5) that the person has no physical or mental condition that would adversely affect his performance as a police officer.

(b) Only a village may appoint a person as a village police officer or village public safety officer.

(c) A person whose certificate has been revoked by the council is not eligible for hire as a village police officer or village public safety officer by a village unless his certificate has been reinstated by the council. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240

13 AAC 89.020. EMPLOYMENT FOR VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS. (a) Before appointing an applicant to a permanent position as a village police officer or a village public safety officer, village shall

- (1) obtain proof of the applicant's age and citizenship;
- (2) review and evaluate the applicant's personal history and medical history statements; and
- (3) review and evaluate responses to fingerprint record checks by the Department of Public Safety and the Federal Bureau of Investigation.

(b) A village may not employ a village police officer or village public safety officer for a period of more than 12 consecutive months unless the officer has been certified under 13 AAC 89.030.

S FOR VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS. (a) A person who has been a police officer or village

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(c) Termination as a village police officer or village public safety officer for less than 90 consecutive days will be considered unbroken service for purposes of (b) of this section and 13 AAC 89.030(a)(1). (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240

13 AAC 89.030. CERTIFICATION OF VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS. (a) The council will issue a certificate as a village police officer to an applicant who

(1) is, at the time of application, a full-time paid village police officer employed by a village and has satisfactorily completed 12 consecutive months of probation as a village police officer with that village immediately before application;

(2) meets the requirements of 13 AAC 89.010;

(3) successfully completes a training program meeting the requirements of 13 AAC 89.040; and

(4) attests that he subscribes to the Law Enforcement Code of Ethics set out in 13 AAC 85.040(b)(5).

(b) The council will issue a certificate as a village public safety officer to an applicant who

(1) is, at the time of application, a full-time paid village public safety officer employed by a village and has satisfactorily completed 12 consecutive months of probation as a village public safety officer with that village immediately before application;

(2) meets the requirements of 13 AAC 89.010;

(3) successfully completes a training program meeting the requirements of 13 AAC 89.050; and

(4) attests that he subscribes to the Law Enforcement Code of Ethics set out in 13 AAC 85.040(b)(5). (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240

13 AAC 89.040. VILLAGE POLICE OFFICER BASIC TRAINING PROGRAM. (a) A village police officer basic training program must consist of at least 48 hours of instruction and include

(1) 10 hours of first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or the equivalent;

(2) instruction in the administration of justice, criminal law, fire fighting, crime scene investigation, arrest procedures, and, if the officer is to be armed while on duty, instruction on the use of fire-arms; and

(3) instruction concerning problems unique to the administration of justice in a rural community.

(b) A person shall attend all sessions of the training required in (a) of this section, except for absences approved by the director of the program. A person who is absent for over 10 percent of the total hours of instruction or who does not satisfactorily complete the first aid training or the firearms training, when required, will not be considered to have completed the training required by (a) of this section. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240

13 AAC 89.050. VILLAGE PUBLIC SAFETY OFFICER TRAINING PROGRAM. (a) A village public safety officer training program must meet the requirements of 13 AAC 89.040(a) and must, in addition, include

(1) at least 52 additional hours of instruction in criminal law, local ordinances, records systems, and problems unique to the administration of justice in a rural community;

(2) the minimum instruction necessary to qualify the student as a Rural Fire Fighter I established by the Alaska Department of Education; and

(3) an Emergency Trauma Training course taught by an instructor who is either a state certified Emergency Medical Technician instructor or an Emergency Trauma Training instructor certified by a Regional Emergency Medical Services Council; the course must consist of at least 30 hours of instruction in basic trauma-treatment techniques, including cardiopulmonary resuscitation (CPR), basic first aid, bandaging, lifting and moving injured persons, and assisting in childbirth; to complete the course satisfactorily, a student must receive a score of 70 percent or higher on both a written and practical examination which tests familiarity with the skills taught in the course.

(b) A person shall attend all sessions of the training required in (a) of this section, except for absences approved by the director of the program. A person who is absent for over 10 percent of the total hours of instruction or who does not satisfactorily complete the first aid training or the firearms training, when required, will not be considered to have completed the training required by (a) of this section. (Eff. 10/18/81, Register 80; am 3/28/84, Register 89)

Authority: AS 18.65.220
AS 18.65.240

13 AAC 89.060. EXTENSION AND RECIPROCITY. (a) The council will, in its discretion, upon written application from a village, grant an extension for obtaining certification to an officer if the officer is unable to complete the required training within the first 12 months

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of employment due to illness, injury, or other emergency, or if the officer is unable to complete training because of temporary understaffing in his department.

(b) The council will, in its discretion, accept other police officer training that equals or exceeds that required in 13 AAC 89.040 or 13 AAC 89.050 in partial or complete substitution for the training required in those regulations. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240

13 AAC 89.070. DENIAL, REVOCATION, AND LAPSE OF CERTIFICATES. (a) The council will, in its discretion, deny or revoke a village police officer or village public safety officer certificate upon a finding that

(1) the officer falsified or intentionally omitted information on an application or other document required to be filed for certification;

(2) the officer has been discharged, asked to resign or resigned in place of discharge from a police department; or

(3) the officer does not meet the requirements of 13 AAC 89.010(a).

(b) The holder of a certificate shall immediately return the certificate to the council upon notification of revocation.

(c) A certificate lapses if the holder is not employed as a full-time village police officer or village public safety officer for 12 consecutive months.

(d) A person may request reinstatement of a lapsed certificate after serving an additional probationary period as required by the council. The council will, in its discretion, require supplemental training as a condition of reinstatement. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240

13 AAC 89.080. PERSONNEL REPORTS AND TRAINING RECORDS. (a) Within 30 days of the date of hire of a village police officer or village public safety officer, the hiring authority shall notify the council on a form supplied by the council, except in those instances where a public record of the appointment would jeopardize the officer or the assignment. The employing agency shall notify the council within 30 days following termination of an officer for any reason.

(b) Before completion of the basic training program required in 13 AAC 89.030(a)(3) and 13 AAC 89.030(b)(3), each village police officer and village public safety officer must be fingerprinted on two Federal Bureau of Investigation applicant cards (FD-258) and shall, on a form supplied by the council

(1) complete a personal history statement;

(2) complete a medical history statement; and

(3) attest that he subscribes to the Law Enforcement Code of Ethics set out in 13 AAC 85.040(b)(5).

(c) The documents required by (b) of this section must be forwarded to the council. The fingerprint cards will be forwarded by the council to the Department of Public Safety and the Federal Bureau of Investigation for record checks. The documents required by this section, following evaluation by the council, will be forwarded to the officer's hiring authority for review, evaluation, and permanent retention.

(d) The information in the council's files is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 — 18.65.290 and the regulations adopted under those statutes; however, a village police officer or village public safety officer may review his own records. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240

13 AAC 89.140. EXEMPTION. The provisions of this chapter do not apply to a village which has enacted an ordinance which specifically excludes it from AS 18.65.130 — 18.65.290 if the village maintains a police training program which equals or exceeds the requirements of 13 AAC 89.040 or 13 AAC 89.050 and whose instructors are certified under 13 AAC 87.040. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220

13 AAC 89.150. DEFINITIONS. In this chapter

(1) "certificate" means a certificate described in 13 AAC 89.030;

(2) "council" means the Alaska Police Standards Council;

(3) "village" means a community off the interconnected Alaska road system, with a population of less than 1,000 persons based on the most recent federal census, which has been incorporated as provided in AS 29.18. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220
AS 18.65.240

PART 7. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Chapter

90. Domestic Violence and Sexual Assault Program Standards (13 AAC 90.010 — 13 AAC 90.190)

95. Grant Programs (13 AAC 95.010 — 13 AAC 95.900)

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THE LEGISLATURE

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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMFR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HB 98

H. HESS

3/14/89

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION : HB 98
PUBLISH DATE : _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act modifying procedures
for juvenile delinquency..."
Sponsor: Governor
Department: House Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

FY90 impact is zero.

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-16841
Date: 1/22/90

Approved by Commissioner: Frank Baxter
Agency: Department of Administration

Date: 1/23/90

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act modifying procedures for juvenile delinquency detention hearings..."
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Dept. of Administration
BRU: Public Defender Agency
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) **FY 90 impact is zero.**

Prepared by: John E. Salami, Public Defender
Division: Public Defender Agency
Approved by Commissioner: Frank Baxler
Agency: Department of Administration

Phone: 279-7541
Date: 1/23/90
Date: 1/23/90

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

HOUSE COMMITTEE REPORT

3

Date Referred: January 20, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 4/12/89

The HEALTH, EDUCATION & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 98

"An Act modifying procedures for juvenile delinquency detention hearings; and changing Alaska Supreme Court Delinquency Rule 10(c)."

- be replaced with _____ the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

- fiscal impact
- zero fiscal note
- zero with analysis

fiscal note(s) published:

43 zero fiscal notes(s) published:

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

[Signature]

[Signature]

[Signature]

[Signature]

Cheri Davis NO REC

Peter Jare M/R

[Signature]

Chairman's signature

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to juvenile detention proceedings. This bill amends AS 47.10.140(c) and the Alaska Supreme Court's Delinquency Rule 10(c), to allow the use of certain hearsay evidence at the hearing held within 48 hours after a minor is detained on a delinquency matter. It does not alter the detention criteria or extend the length of time that a minor may be detained before a hearing is held. In this bill, the entire AS 47.10.140 and Delinquency Rule 10 are set out, for clarity, even though only one subsection of each is being amended.

A temporary detention hearing is conducted on two issues: 1) whether there is probable cause to believe that the minor has committed a delinquent act or violated terms of release or probation; and 2) whether detention is necessary to protect the minor or others, or to ensure the minor's appearance at subsequent court hearings. Under current AS 47.10.-140, and Delinquency Rules 10(c) and 12, the Department of Health and Social Services must be prepared at the 48-hour hearing to conduct a "mini-trial" on the first issue, with witnesses called to prove each element of the offense. This bill would allow certain hearsay to be offered in support of probable cause. The standards would be the same as those applying to adult felony probable cause hearings, under Criminal Rule 5(b)(1)(i). The minor would have the opportunity to require that the witnesses be called, upon request, at a subsequent hearing to be held within five court days after arrest. A probable cause finding is necessary in order either to detain a minor or to place conditions on the minor's conduct on release until the next hearing. Delinquency Rule 10 was adopted to be effective August 15, 1987, and is based on AS 47.10.140.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Dept. of Administration
 Title: "An Act modifying procedures for
juvenile delinquency detention hearings...
 Sponsor: Rules Committee BRU: Public Defender Agency
 Requestor: Governor Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

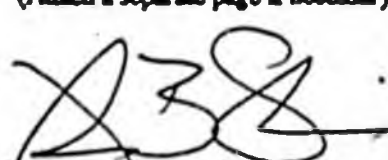
FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)


 Prepared by: John B. Salemi, Acting Public Defender Phone: 279-7541
 Division: Public Defender Agency Date: 12/7/88
 Approved by Commissioner: John Andrews Date: 12/9/88
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: "An Act modifying procedures
for juvenile delinquency detention
hearing..."
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by Philip S. McHenry & Grant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: 12/8/88

Approved by Commissioner: John Andrews
Agency: Department of Administration

Date: 12/12/88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

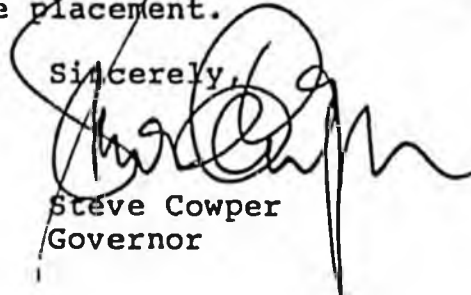
Dear Representative Cotten:

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A temporary detention hearing is conducted on two issues: 1) whether there is probable cause to believe that the minor has committed a delinquent act or violated terms of release or probation; and 2) whether detention is necessary to protect the minor or others, or to ensure the minor's appearance at subsequent court hearings. Under current AS 47.10.-140, and Delinquency Rules 10(c) and 12, the Department of Health and Social Services must be prepared at the 48-hour hearing to conduct a "mini-trial" on the first issue, with witnesses called to prove each element of the offense. This bill would allow certain hearsay to be offered in support of probable cause. The standards would be the same as those applying to adult felony probable cause hearings, under Criminal Rule 5(b)(1)(i). The minor would have the opportunity to require that the witnesses be called, upon request, at a subsequent hearing to be held within five court days after arrest. A probable cause finding is necessary in order either to detain a minor or to place conditions on the minor's conduct on release until the next hearing. Delinquency Rule 10 was adopted to be effective August 15, 1987, and is based on AS 47.10.140.

The present procedure, requiring witnesses to be available at every 48-hour temporary detention hearing, is an impracticable, costly, and inefficient use of resources. If necessary witnesses cannot be located to establish probable cause at the 48-hour hearing, the minor is released and the case is dismissed. In Anchorage, minors usually admit the charges at the initial hearing and the witnesses summoned to the hearing are not needed. In those cases in which the minor does not admit the charges, the minor's attorney often requests a continuance to allow the attorney time to review the police reports before the hearing is conducted or, after an offer of proof, waives the need for testimony. Whether or not the minor admits or requests a continuance, the court may order a less restrictive placement.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the word "Sincerely,".

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act modifying procedures for juvenile delinquency detention hearings..."
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Dept. of Administration
BRU: Public Defender Agency

Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: John B. Salemi, Acting Public Defender Phone: 279-7541
Division: Public Defender Agency Date: 12/7/88

Approved by Commissioner: John Andrews Date: 12/9/88
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: "An Act modifying procedures for juvenile delinquency detention hearing..." BRU: Office of Public Advocacy
 Sponsor: Rules Committee Components: _____
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Philip J. McCarthy & Grant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: 12/8/88

Approved by Commissioner: John Andrews Date: 12/12/88
 Agency: Department of Administration

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Juvenile Delinquency Detention
Hearings
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: DHSS
BRU: Youth Services
Components: Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Yvonne M. Chase, Director *HMC* Phone: 465-3170
Division: Family and Youth Services Date: _____
Approved by Commissioner: *Maria W. Johnson* Date: 12/15/88
Agency: Health and Social Services

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An act modifying procedures for juvenile delinquency detention...
 Sponsor: Rules Committee
 Requestor: House HESS

Bill Version: HB 98
 Publish Date: 1/20/89

Agency Affected: Alaska Court System
 BRU: Trial Courts

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL:

REVENUE:

FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
 Jan Strandberg, General Counsel
 Division: Alaska Court System
 Phone: 264-8228
 Date: 03/06/89

Approved by: *Stephanie Cole, fax*
 Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System
 Date: 03/06/89

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)

HB

105

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-463-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HB 105

H. State Affairs

1/31/89



Matanuska-Susitna Borough

BOX 1608, PALMER, ALASKA 99645 • PHONE 745-9689

BOROUGH MANAGER

February 16, 1989

To: Judiciary Committee
From: Lee Hall, Director of Human Resources
Subject: House Bill 91

I wish to express a question or concern re. HB 91. Briefly, the definition of "matter of public concern" concerns me.

Gross mismanagement, substantial waste of funds, clear abuse of authority, etc. are very, very broad terms that a mal-contented employee could easily use to hide behind in order to gripe, complain, accuse, or otherwise express dissatisfaction with impunity. The bill needs modification or clarification.

Alaska State Legislature



House of Representatives House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

February 20, 1989

MEMORANDUM

TO: Rep. Ben Grussendorf

FROM: Reps. Max Gruenberg and Peter Goll
Co-Chairs, House Judiciary Committee

RE: CSHB 105 (Jud) (Mandatory Seat Belt Law):
Judiciary Committee Amendments to HB 105

The House Judiciary Committee passed two amendments to HB 105:

1. Amendment No. 1 (by Rep. Gruenberg): Page 1, line 18, delete "provided and"

This amendment, adopted unanimously, was a "housekeeping" change. In current law, and in HB 105 as drafted, the verb "provided" is surplusage. There is no object for the verb "provided" in AS 28.05.095. The amendment therefore deletes the wording, with no substantive effect.

2. Amendment No. 2 (by Rep. Gruenberg): page 1, line 28, after "in", insert "a school bus or"

This amendment was offered at the request of the Department of Education. It was adopted without opposition after extensive discussion. The amendment exempts school bus passengers (not drivers) from the mandatory use of seat belts, if any belts are installed on the bus. The amendment thus continues the exemption for school bus passengers written into current AS 28.05.095.

CSHB 105 (Jud) incorporates these two amendments; there are no other changes from HB 105.

TESTIMONY IN SUPPORT OF HB105
SAFETY BELT USE LAW

Presented by Frank Bickford, Alaska Seat Belt Coalition, to House Judiciary Committee
February 15, 1989

THE ALASKA SAFETY BELT USE COALITION STRONGLY ENDORSES HB105--SAFETY BELT USE LAW. THE COALITION, FORMED IN 1985, ADVOCATES THE PASSAGE OF A SAFETY BELT USE LAW AND PROMOTES THE USE OF SAFETY BELTS.

SAFETY BELT USE LAWS THAT HAVE BEEN PASSED IN 31 STATES AND D.C. MOTIVATE PEOPLE TO BUCKLE UP. THOSE STATES FOUND THAT VOLUNTARY USE WAS LOW AND THROUGH LEGISLATING THE USE OF SAFETY BELTS THE INCENTIVES TO USE THEM HAVE RESULTED IN SIGNIFICANT NUMBERS OF LIVES SAVED AND COSTS REDUCED.

THE COALITION IS A GRASS ROOTS MOVEMENT COMPRISED OF OVER 8,000 INDIVIDUALS AND 51 ORGANIZATIONS REPRESENTING A WIDE RANGE OF INTERESTS, INCLUDING HEALTH CARE DELIVERY SYSTEMS, BUSINESS AND INDUSTRY, EDUCATION, FRATERNAL, SERVICE AND CIVIL ORGANIZATIONS WHO BELIEVE THAT A SAFETY BELT USE LAW WILL SAVE LIVES, DECREASE INJURIES AND SAVE THE STATE OF ALASKA MILLIONS OF DOLLARS IN EXPENDITURES EACH YEAR.

THE LATEST HIGHWAY USERS FEDERATION REPORT ESTIMATES THAT A MANDATORY SEAT BELT USE LAW CAN SAVE 35 LIVES A YEAR, REDUCE THE HARDSHIP AND COST OF OVER 60 INJURIES AND SAVE \$18 MILLION A YEAR TO THE STATE OF ALASKA IN MEDICAL COSTS, INSURANCE EXPENSES, LEGAL COSTS, LOSS OF PRODUCTIVITY AND OTHER COSTS SUCH AS POLICE, FIRE DEPARTMENT AND EMERGENCY SERVICE COSTS.

EDUCATIONAL CAMPAIGNS PROMOTING SAFETY BELT USE HAVE BEEN LAUNCHED HERE AND ACROSS THE COUNTRY. SAFETY BELT USAGE INCREASES TEMPORARILY DURING THE CAMPAIGN AND THEN RETURNS TO A LOW PERCENTAGE. THE AMOUNT OF MONEY SPENT IS GREAT AND THE RESIDUAL IMPACT SLIGHT. SAFETY BELT USE LAWS AND AN AGGRESSIVE EDUCATIONAL CAMPAIGN MUST BE COMBINED TO ACHIEVE MAXIMUM USE. IN THE ABSENCE OF A LAW EVEN WITH AN EDUCATIONAL CAMPAIGN, LESS THAN 32% OF THE POPULATION WILL BUCKLE UP. HOWEVER, A STATEWIDE POLL (ALASKA) LAST SHOWED THAT 81% OF ALASKANS WOULD WEAR SAFETY BELTS IF REQUIRED BY LAW.

A SAFETY BELT USE LAW IS THE INCENTIVE TO ESTABLISH THE SAFETY HABIT IN THOSE WHO OTHERWISE WOULD NOT BUCKLE UP.

IF A PERSON IS KILLED OR INJURED, IT AFFECTS MORE PEOPLE THAN THE VICTIM. PERSONS ARE NOT ALLOWED A "FREEDOM TO CHOOSE" TO PAY THE HEALTH CARE COSTS OF THOSE WHO "CHOOSE" NOT TO WEAR THEIR SAFETY BELTS.

THE COST OF NEEDLESS FATALITIES AND SERIOUS INJURIES ARE PAID BY ALL PERSONS--NOT SIMPLY THE VICTIM--IN INCREASED TAXES, INSURANCE PREMIUMS AND HEALTH CARE COSTS.

UNBELTED OCCUPANTS CAUSE INJURIES TO OTHER OCCUPANTS BY BECOMING "UNGUIDED MISSILES." THUS, THE "FREEDOM TO CHOOSE" TO WEAR THE BELT DOES AFFECT OTHERS DIRECTLY.

OTHER SIMILAR TRAFFIC-SAFETY LAWS PROTECT MOTORISTS AND OTHERS, SUCH AS SPEED LIMITS, DRINKING AND DRIVING AND DRIVER LICENSING. SAFETY BELT USE LAWS ARE CONSISTENT WITH THESE AND OTHER LAWS.

TRAFFIC ACCIDENTS DO NOT HAPPEN ON PERSONAL HIGHWAYS AND STREETS. THE COSTS TO SOCIETY IN TERMS OF MEDICAL, REHABILITATION, UNEMPLOYMENT AND WELFARE SERVICES SUPERCEDE THE "RIGHT" OF PEOPLE TO SERIOUSLY OR FATALLY INJURE THEMSELVES OR OTHERS BY NOT BUCKLING UP. IN 1985, 1986 AND 1987, 201 OUT OF 231 ALASKANS KILLED IN MOTOR VEHICLE ACCIDENTS WERE NOT "BUCKLED UP." THIS TRAGEDY COULD HAVE BEEN PREVENTED. STATISTICS FROM SAFETY EXPERTS SHOW THAT THERE IS A BETTER THAN 50 PERCENT PROBABILITY THAT THE DEATHS WOULD HAVE BEEN AVOIDED IF ALASKA HAD A SAFETY BELT USE LAW.

THE PROPOSED SAFETY BELT USE LAW IN ALASKA IS A SECONDARY OFFENSE, REQUIRING THAT A MOTORIST BE STOPPED FOR ANOTHER OFFENSE BEFORE A \$15 TICKET (WHICH MAY BE DONATED TO THE EMERGENCY MEDICAL SERVICES) CAN BE ISSUED FOR NOT USING SAFETY BELTS.

SECONDARY ENFORCEMENT WILL NOT IMPOSE ADDITIONAL BURDENS ON LAW ENFORCEMENT OFFICERS RESPONSIBLE FOR CITING MOTORISTS UNDER THIS ACT. SAFETY BELTS REDUCE TRAFFIC FATALITIES, WHICH ARE EIGHT TIMES AS EXPENSIVE TO INVESTIGATE AS NON-INJURY ACCIDENTS. IN FACT, OFFICERS WOULD HAVE MORE TIME TO CONCENTRATE ON OTHER TRAFFIC ENFORCEMENT PROGRAMS.

ONCE HB105 PASSES THE LEGISLATURE AND IS SIGNED BY THE GOVERNOR, THE ALASKA SAFETY BELT USE COALITION PAYS FOR A ONE YEAR EDUCATIONAL CAMPAIGN (T.V., RADIO, NEWSPAPER, DIRECT MAIL, PUBLIC SERVICE ANNOUNCEMENTS, AS WELL AS PRESENTATIONS TO INTERESTED ORGANIZATIONS, SCHOOLS AND COMMUNITIES) PROMOTING THE LAW. THIS SERVICE PROVIDED BY THE COALITION WILL MEAN THE STATE WILL NOT HAVE TO SPEND MONEY TO IMPLEMENT THE LAW.

THE STATISTICS, THE PUBLIC SUPPORT, THE EDITORIAL SUPPORT (ANCHORAGE TIMES, ANCHORAGE DAILY NEWS, FRONTIERSMAN, VALLEY SUN, JUNEAU EMPIRE AND FAIRBANKS DAILY NEWS MINER), AND LEGISLATIVE SUPPORT SHOWS THAT THE PROPOSED SAFETY BELT USE LAW IS ONE THAT ALASKA CAN LIVE WITH.

STEVE COWPER, GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10TH STREET
P.O. BOX F
JUNEAU, ALASKA 99811-0500

February 8, 1989

The Honorable Max Gruenberg
Alaska State Representative
P. O. Box V
Juneau, Alaska 99811

Dear Representative Gruenberg:

As indicated in a conversation with your staff today, the Department of Education requests an amendment to HB 105, "An Act Relating to Mandatory Use of Safety Devices in Motor Vehicles," to exempt school buses. Our specific request is that Sec. 28.05.095 (c)(1) be amended to read:

- (c) Subsections (a) and (b) do not apply to
(1) passengers in a school bus or an emergency vehicle;

The reasons for our request are as follows:

1. Safety belts are not required in large school buses - The U.S. Department of Transportation has concluded in a report titled Safety Belts in School Buses (June, 1985) that the current construction of school buses referred to as "compartmentalization" (high back, close together, well padded, energy absorbing seats) provides adequate occupant protection, and that a Federal requirement for safety belts in large school buses is not warranted.
2. There are no standards for installation of safety belts in large school buses - The Federal government has not issued standards for installation of safety belts in large school buses. Seat strength, floor strength, anchorage requirements, belt type and size, etc. have not been specified.
3. Some large school buses in Alaska are nevertheless partially equipped with safety belts - The fact that safety belts are not required in large school buses, and that no installation standards exist, does

not preclude a local school district, private school or bus operator from installing belts if it so desires. Many belts serve only as restraining devices for special education students and are not intended to protect students in the event of an accident.

The Department of Education does not maintain statistics on the age, size and number of buses equipped with safety belts, nor how the belts were installed. It is conceivable that some belts have not been adequately installed and that the following situations may exist:

- a. buses with belts on seats not well anchored to the floor and, in some cases, which have no padding to cover the metal seat frame.
 - b. buses with seat construction inadequate to withstand the forces generated by safety belts which could collapse with pupils belted to them.
 - c. buses with floor strength that has deteriorated due to severe weather conditions and varied maintenance making the floor less capable of withstanding the forces of the bus seat with belted passengers in a crash situation.
 - d. buses with inoperable safety belts.
 - e. buses with safety belts at some seating positions and not at other seating positions.
4. Possibly more injuries to belted passengers in school buses - Crash testing conducted by the Canadian government and reported in the publication School Bus Safety Study issued January, 1985, by Transport Canada (an agency equivalent to the U.S. Department of Transportation) indicates that the use of lap seat belts in various sizes of school buses may result in more severe head and neck injuries for a belted occupant than for an unbelted one in a severe frontal collision. On smaller buses, the heads of all the restrained dummies experienced forces that were judged to be life threatening or fatal.

Based on the above factors, we believe that the State of Alaska should leave the decision to local school districts as to whether or not they want to mandate use of belts on school buses.

Your support of our requested amendment to HB 105 to exempt school buses will be appreciated. If you have questions, feel free to contact

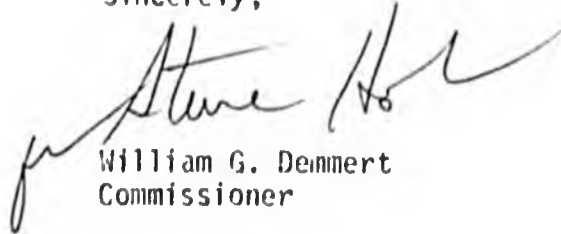
Representative Gruenberg

-3-

February 8, 1989

Romayne Kareen, the Department's Administrator of Pupil Transportation Services at 465-2890.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Hole", is written over the typed name of William G. Dennert.

William G. Dennert
Commissioner

cc: The Honorable Sam Cotton
Alaska State Representative
Steve Hole, Deputy Commissioner
Department of Education
Romayne Kareen, Administrator
Pupil Transportation Services
Department of Education

ALASKA STATE FIREFIGHTERS ASSOCIATION
LEGISLATIVE TESTIMONY
February 15

House Bill 105 Mandatory Use Of Seatbelts

The Alaska State Firefighters Association supports H B. 105 and the mandatory use of seat belts in all motor vehicles. Members of the A.S.F.A. are first responders to motor vehicle accidents either as emergency medical technicians or as firefighters. In our experience seat belts reduce injuries and save lives.

We urge you to not exclude rural areas from this legislation for several important reasons. The rural victim of a serious motor vehicle accident is less likely to survive than the urban victim with the same injury, due to increased transportation time required to receive critical medical care. Serious injuries often require medical emergency evacuation from rural areas. By reducing the severity of injuries through mandatory use of seat belts, locally available medical treatment will be sufficient more often, and more victims will survive the critical first hours after the accident.

Accidents in rural areas often go undetected for long periods of time. A person who is severely injured because of not wearing a seat belt is less likely to be able save himself than a less seriously injured person.

Rural accidents often are the result of poorly maintained roads and vehicles. Seat belts are available in virtually every vehicle in the state. Seat belts are low tech devices which seldom if ever need maintenance. Malfunctioning seat belts are easily identified and repaired in rural areas. Air bags will not be available in the majority of vehicles in the state for many years. When they are widely available, they will not be serviceable in rural areas. Air bags are most effective in front end collisions. Seat belts are effective in all types accidents.

Rural residents are less likely to be covered by health insurance. The financial burden for uninsured persons injured in serious motor vehicle accidents falls on the family. If the family is unable to pay, the burden shifts to the rest of us through higher health care costs.

The most important reason to mandate seat belts is the family. The death or serious injury of a family member is traumatic. Nothing is more heartbreaking than to have surviving children ask about their dead parents all the way to the hospital after a serious motor vehicle accident. When the death could have been easily prevented with seatbelts,

the loss is even more tragic. Seat belts preserve family members.

The Alaska State Firefighters Association urges you to pass this legislation without amendment. The use of seat belts is a simple solution to a serious problem. The bill hurts no one. At worst it may inconvenience some. We believe a little inconvenience is a small price to pay for reducing injuries and saving lives. We believe the benefits of this bill transcend urban and rural boundaries. This bill is good for everyone.

FISCAL NOTE

REQUEST:

Revision Date: 3/8/89 Agency Affected: Public Safety
Title: Mandatory use of safety devices BRU: Highway Safety Planning Agency
in motor vehicles
Sponsor: House Judiciary Component: _____
Requestor: Senate Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated. Section 4 of the bill allows the judge to waive the \$15.00 fine if a donation is made to the Emergency Medical Services entity serving the locale where the violation occurred. Revenue generated for the State is therefore expected to be negligible.

Prepared by: Ellen Moore, Program Coordinator Phone: 465-4375
Division: Highway Safety Planning Agency Date: 3/8/89

Approved by Commissioner: Arthur English Date: 3/8/89
Agency: Department of Public Safety

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to mandatory use
 of safety devices in motor vehicles."
 Sponsor: Repr. Cotten
 Requestor: House State Affairs

Agency Affected: Department of Law
 BRU: Prosecution
 Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: January 30, 1989
 Approved by Commissioner: Richard I. Pegues / FOR Date: January 30, 1989
 Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 105

This bill amends AS 28.05 to require the mandatory use of safety belts in motor vehicles, and the bill also provides certain exemptions for mail and newspaper delivery vehicles. Under the bill's provisions, a peace officer may not stop or detain a motor vehicle to determine compliance, unless the peace officer has probable cause to stop or detain for some other reason. A person convicted of violating mandatory seat belt use would be guilty of an infraction and fined up to \$15. This bill will not have a fiscal impact on the Department of Law, because infractions are handled in traffic court, which does not require involvement of the department's staff or resources.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 105

This bill amends AS 28.05 to require the mandatory use of safety belts in motor vehicles, and the bill also provides certain exemptions for mail and newspaper delivery vehicles. Under the bill's provisions, a peace officer may not stop or detain a motor vehicle to determine compliance, unless the peace officer has probable cause to stop or detain for some other reason. A person convicted of violating mandatory seat belt use would be guilty of an infraction and fined up to \$15. This bill will not have a fiscal impact on the Department of Law, because infractions are handled in traffic court, which does not require involvement of the department's staff or resources.



Official Business

COMMITTEE:

HOUSE JUDICIARY

DATE: February 16, 1989

SIGN-IN

Subject of meeting:

HB 91 Protection of "Whistleblowers"
 HCR 1 Amend Uniform Rule 56: Session Schedule
 Unfinished Business.
 HB 58 Fire Protection
 HB 105 Mandatory Seatbelts - held over from
 2/15/89

NAME

ADDRESS FULL ADDRESS PLEASE

PHONE..

REPRESENTING

DO YOU WANT TO TESTIFY? WHICH BILL?

Bob Cooksey		586-3090	NEA-AK	HB 91
Mark S. Johnson	AKSS EMS PO Box H-06C Juneau	465-3027	Health & Social Services	HB 105
Juneau Fowler	Box 400 Juneau 99811	4970	Office of the Ombudsman	HB 91
David Otto	Box 0201 Juneau 99811	4430	Personnel	HB 91
Bill Glude Karen Wood	PO Box 22151 Juneau 99802	463-3366	AK Env. Lobby	HB 91
Mike Lewis	P.O. Box N Juneau AK 99811	465-4374	Public Safety	Yes HB 105
Karen Lanfer	3970 N Douglas Juneau	586-3210	MADD Seat Belt Coalition	HB 105

HOUSE COMMITTEE ON STATE AFFAIRS

**RECAP OF
HB 105**

Mandatory Seatbelts

Received January 20, 1989
by Reps. Cotten, Ulmer, Zawacki, Gruenberg and
Hanley

Heard January 31, 1989

Passed Out of Committee January 18, 1989
4 Do Pass
2 No Recommendation

TABLE OF CONTENTS

HB 105: Mandatory Seatbelts

- Item 1: HB 105 by Cotten, Ulmer, Zawacki, Gruenberg
and Hanley
- Item 2: Letter of Intent and Public Safety Fiscal Note
- Item 3: State Newspaper Editorials
- Item 4: Seatbelt Coalition Backup Materials
Submitted by Frank Bickford
- Item 5: HESS Position Paper

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 20, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee recommends that:

HOUSE BILL NO. 105

"An Act relating to mandatory use of safety devices in motor vehicles."

- be replaced with _____ the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

SIGNING DO PASS:

Alice Hedley

Jim Fawcett

Richard P. Marjano

W.A. Lumb

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

David Donly, no rec
Chad Giff Water

W.A. Lumb

 Chairman's signature

Item 2

BILL NO: HB 105

DATE: January 26, 1989

TITLE: "An Act relating to mandatory use of safety devices in motor vehicles."

CONTACT: Ellen Moore
Highway Safety Planning Agency
465-4375

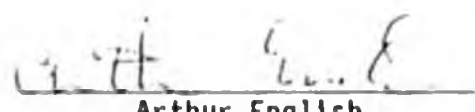
DEPARTMENT OF PUBLIC SAFETY
PUSH TO OPEN COVER

The intent of this legislation is to reduce deaths and serious injuries to occupants of motor vehicles by promoting the great use of safety belts by the motoring public.

Thirty-one states have enacted bills requiring the use of safety belts. Jurisdictions that have had the longest experience with their laws have found that the greater the level of increase in seatbelt use, the greater reduction in fatalities and serious injuries.

House Bill 105 has the potential to save as many as 35 lives in Alaska each year. This figure assumes a 70% compliance rate and a 50% effectiveness rate. Because the bill allows only "secondary" enforcement, it may be difficult to achieve this level of use; however, surveys conducted since 1985 by Hellenthal and Associates indicate that approximately 80% of the Alaskans surveyed will wear safety belts simply because such a law exists.

We recommend passage of HB 105 as written.



Arthur English
Commissioner

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Mandatory use of safety devices
in motor vehicles
Sponsor: Representative Corten, et al
Requestor: House State Affairs

Agency Affected: Public Safety
BRU: Highway Safety Planning Agency
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated. Revenue generated will be negligible. Section 3 provides for judicial waiving of the \$15.00 fine if a donation is made to the Emergency Medical Services entity serving the locale where the violation occurred.

Prepared by: Ellen Moore, Program Coordinator
Division: Highway Safety Planning Agency

Phone: 465-4375
Date: 1/26/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 1-27-89

Tuesday, January 17, 1989

Make it mandatory

The Legislature could do a simple thing that would save lives, reduce injuries and save money. It could pass a law making the use of safety belts in vehicles mandatory.

Many people don't like the idea of mandatory safety belt laws. The use of safety belts should be a personal choice, they say. The government has no business dictating personal choices.

It's a compelling argument, but not so compelling as the harm that is done by not wearing safety belts. According to a 1987 study, mandatory use of safety belts in Alaska would save 35 lives a year, reduce injuries to more than 600 persons, save \$5 million worth of lost labor and decrease other economic losses associated with highway death and injury by \$13 million. Not just the victims, but everyone pays the cost of not wearing safety belts in terms of increased taxes, insurance premiums and health care costs.

Thirty-one states and the District of Columbia have passed mandatory safety belt laws. In every state, use of safety belts has increased substantially.

Educational programs promoting safety belt use fail to provide the incentive to buckle up that a law requiring it does. We reluctantly move from a position of advocating voluntary compliances to urging the Legislature to make safety belts mandatory. They should, however, avoid some of the problems that Washington state encountered when they initially failed to provide for exemptions for certain types of delivery vehicles.

FAIRBANKS

Daily News - Miner

A matter of safety ¹⁻²⁵⁻⁸⁹

THERE IS truly only one basic question to be answered when it comes to trying to decide whether Alaska should adopt a law which requires motorists to buckle up their seat belts when they get behind the wheel.

Do seat belts save lives?

And the overwhelming evidence — from all kinds of national statistics down to the doctors in the emergency rooms of Anchorage hospitals — is that they do.

It also is evident that without a law some people will not buckle up. So the law is necessary.

It is necessary in the same way that everyone who boards an airplane is required to fasten his or her seat belt.

And it is no more onerous a requirement than making it a law that motorists must halt at stop signs and red lights, yield to emergency vehicles or obey speed limits.

THIS ISN'T a debate over the infringement of personal liberties, as some opponents attempt to make it.

If you think your freedom would be abridged by a mandatory seat belt law, you no doubt are in a simmering fit right now because the state requires you to have a driver's license before you can legally operate a motor vehicle.

What's the difference?

Both items, as a matter of fact, are life-saving ingredients to making our streets and highways safer. You don't want to be on the same road with drivers who are not licensed. That's a law that looks after your own safety. So, too, would one requiring you to do what you may now forget to do when you slip behind the wheel — and that's to snap the seat belt in place.

Opponents argue that the lobbying for enactment of the seat belt law is nothing more than a deceitful ploy by the auto industry to try to avoid eventually providing

air bags in all vehicles.

But so what if auto makers support the use of seat belts? So do a lot of other people, including the insurance industry, various medical societies and individual doctors, and every other motorist whose life has been saved because a seat belt was secure at the time of an accident.

Sen. Arliss Sturgulewski, the Anchorage Republican who is a prime sponsor of the seat belt law in this session of the legislature, is correct.

It's simply a matter of safety, pure and simple. Forget all the extraneous arguments. Stick to the basic reason why.

JUST THE other day, new statistics proved the point.

A study of all traffic accidents in North Carolina from 1983 to 1987 showed a dramatic drop in the number of deaths and serious injuries after a mandatory seat belt law was enacted. This report estimated that North Carolina may have 1,100 fewer severe and fatal highway injuries every year as a result of mandatory seat belt use.

A second study of 1,364 accident victims taken to trauma units of four Chicago-area hospitals showed that hospital admissions decreased by nearly 65 percent and related costs dropped 66 percent for those who were wearing seat belts. This study said the average cost of treating accident victims who were wearing seat belts was \$534, compared to \$1,583 for victims who didn't wear belts.

The Journal of the American Medical Association, reporting on the new studies, said this: "Safety belts turn out to be an economical way of trying to reduce that health-care dollar."

Thirty-one states and the District of Columbia have seat belt laws.

Alaska should become the 32nd state to get on this safety bandwagon.

COUNTRIES WITH SAFETY BELT USE LAWS

Country	Effective Date	Country	Effective Date
Australia	1/72	United States and Territories	
Austria	7/76	California	1/86
Belgium	6/75	Colorado	7/1/87
Brazil	6/72	Connecticut	1/1/86
Bulgaria	1976	Dist. of Columbia	12/12/85
Canadian Provinces		Florida	7/1/86
Alberta	7/87	Hawaii	12/16/85
British Columbia	10/77	Georgia	9/1/88
Manitoba	1/84	Idaho	7/1/86
Newfoundland	8/82	Illinois	7/1/85
New Brunswick	11/83	Indiana	7/1/87
Nova Scotia	1/85	Iowa	7/1/86
Ontario	1/76	Kansas	7/1/86
Quebec	8/76	Louisiana	7/1/86
Saskatchewan	7/77	Maryland	7/1/86
Czechoslovakia	1/69	Michigan	7/1/85
Denmark	1/76	Minnesota	8/1/86
East Germany	1/80	Missouri	9/28/85
Finland	7/75	Montana	10/1/87
France	10/79	Nevada	7/1/87
Greece	12/79	New Jersey	3/1/85
Hong Kong	10/83	New Mexico	1/1/86
Hungary	7/77	New York	12/1/84
Iceland	10/81	North Carolina	10/1/85
Ireland	2/79	Ohio	5/6/86
Israel	7/75	Oklahoma	2/1/87
Ivory Coast	1970	Pennsylvania	11/23/87
Japan	12/71	Puerto Rico	1/1/74
Jordan	12/83	Tennessee	4/21/86
Luxembourg	6/75	Texas	9/1/85
Malaysia	4/79	Utah	4/29/86
Netherlands	6/75	Virginia	1/1/80
New Zealand	6/72	Washington	6/11/86
Norway	9/75	Wisconsin	12/1/87
Poland	1/84	United Kingdom	1/83
Portugal	1/78	USSR	1/76
Singapore	7/81	West Germany	1/76
South Africa	12/77	Yugoslavia	1/85
Spain	10/74	Zimbabwe	7/80
Sweden	1/75		
Switzerland	1/76		
Turkey	10/84		

SOURCE: University of Michigan Transportation Research Institute.

Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly
Publisher

Howard Weaver
Managing Editor

Michael Carey
Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

Founded in 1946 by Norman C. Brown

A way to prevent needless deaths

This year, the legislature has a chance to help fight one of the most serious health problems in the state — and it can do so with very little money or effort.

The health problem is accidental injuries. They are the second leading cause of death for all Alaskans — and the leading cause among young Alaskans. Too many of these deaths come in motor vehicle accidents — some 231 over the past three years.



There's a simple way to cut this carnage on the state's highways: Require people to wear seat belts. Of those 231 victims, 201 were not belted in.

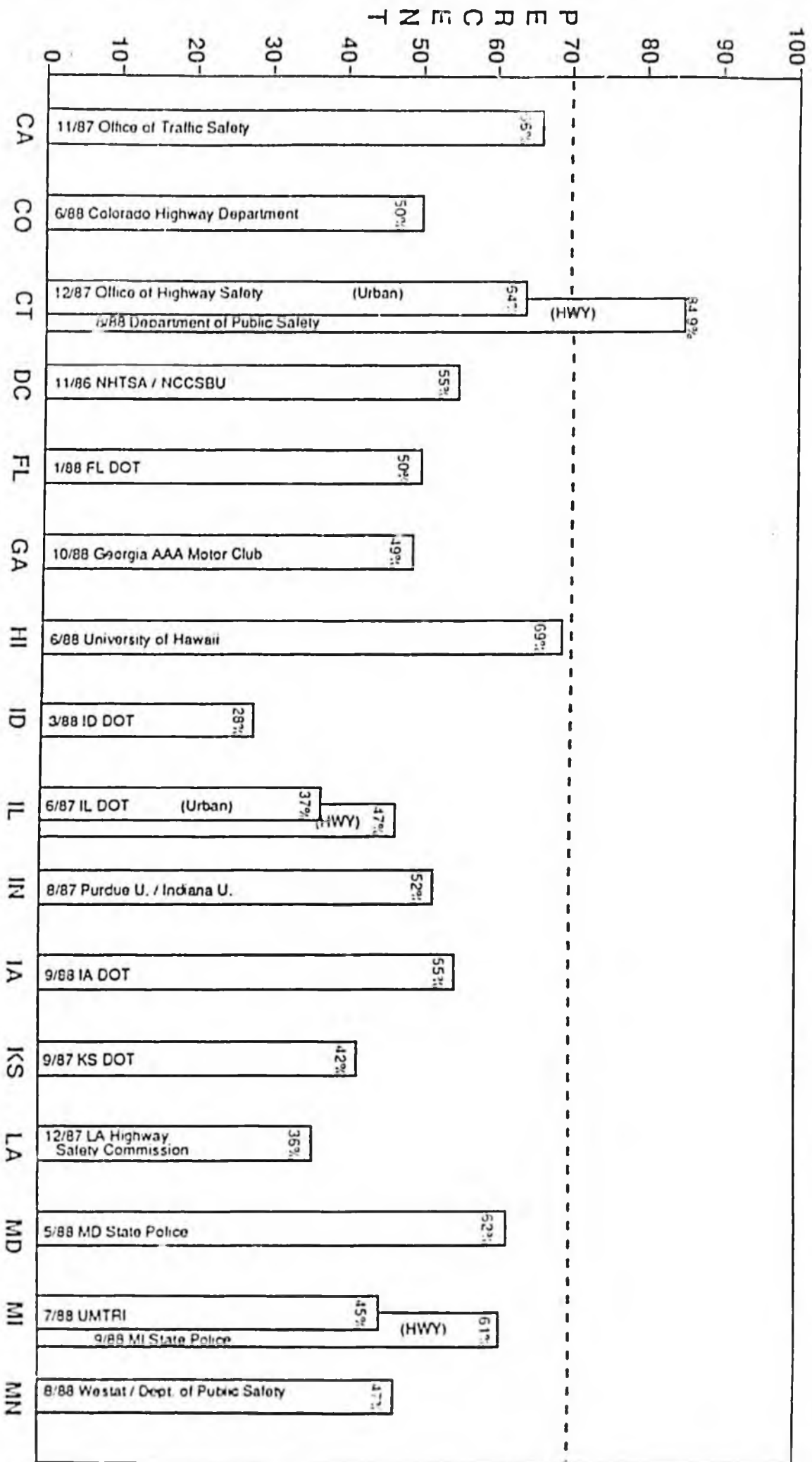
A bill to mandate seat belt use passed the state House last year but never made it to the Senate floor for a vote. This year, with new legislative leadership, prospects for a seat belt law look much better.

In the past, some people have resisted a seat belt law because they see it as an infringement on their personal freedom. Why they object is a mystery. The resulting "intrusion" into people's lives is on a par with a parking ticket — and has considerably more justification. When a parked car overstays its welcome, there's just one less parking space available. When car passengers fail to buckle up, they invite serious injury and death, and increase the costs we all pay for emergency services, insurance and health care.

Alaska's proposed seat belt law offers us all a gentle reminder to do what's good for everyone. The violation would be a secondary offense, meaning that drivers cannot be cited unless they are stopped for some other violation. The fine would be a mere \$15. If violators don't want to send their checks to the government, they can donate the \$15 to emergency medical services.

Seat belts save lives — but only if people wear them. A mandatory seat belt law is a reasonable way to get more people to buckle up.

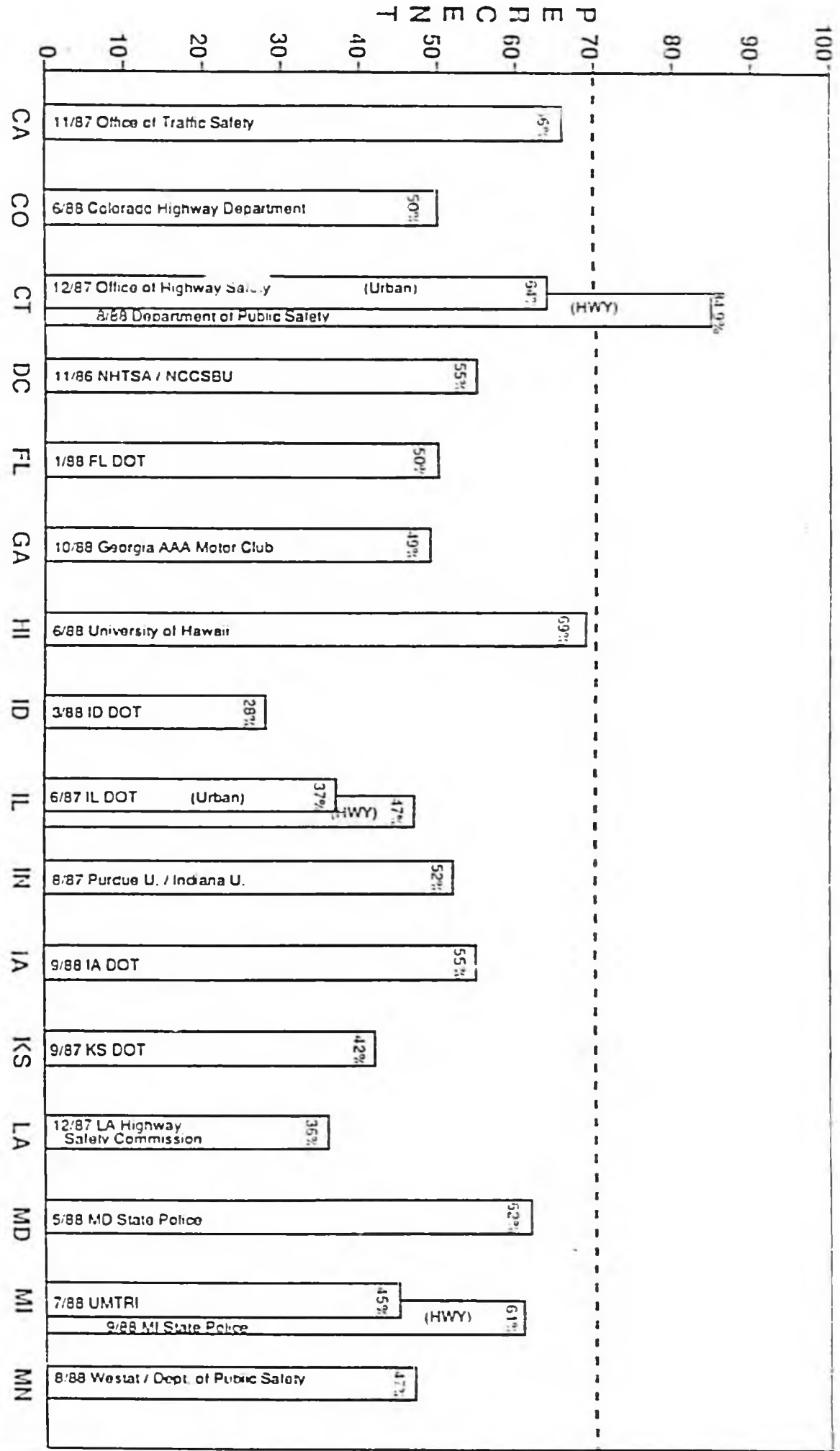
COMPLIANCE RATES IN POST-LAW STATES



CORRECTION

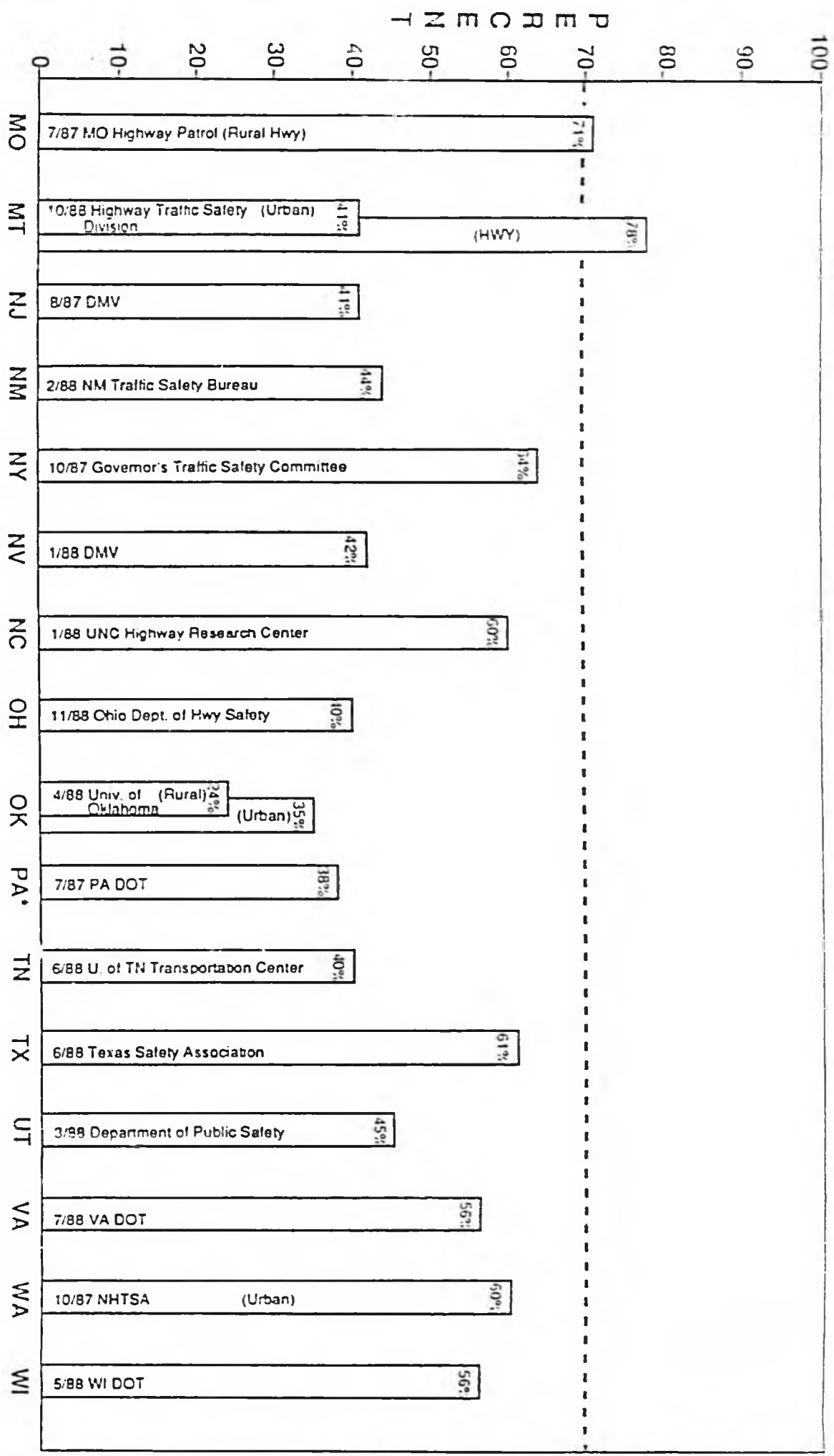
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COMPLIANCE RATES IN POST-LAW STATES



COMPLIANCE RATES IN POST-LAW STATES

Page 2



* Use rates prior to law taking effect

Facts and Attribution

- Safety-belt use has saved 10,938 lives since 1983. Of those, state safety-belt-use laws were credited with saving 6,906 lives. National Highway Traffic Safety Administration (NHTSA), 1988
- The probability of being involved in a motor-vehicle injury accident during a 75-year lifetime is better than 80 percent. NHTSA, 1987
- There were 41,435 fatal accidents resulting in 46,386 fatalities in 1987. (Includes drivers or passengers in all types of motor vehicles, pedestrians and bicyclists.) NHTSA, 1988
- There were 25,144 passenger-car fatalities and 8,042 light-truck fatalities in 1987. NHTSA, 1988
- Approximately 3,896,000 people were injured in traffic crashes in 1986. (2,835,000 in passenger car accidents alone.) NHTSA, 1988
- The severity of approximately 100,000 injuries is reduced each year as a result of states having passed safety-belt-use laws. University of North Carolina Highway Safety Research Center, 1987
- In 1986, an average of one person was killed in traffic accidents every 11 minutes. NHTSA, 1988
- Unrestrained passenger car occupants are twice as likely to receive moderate to critical injuries in the event of a crash as restrained occupants. NHTSA, 1987
- On a national basis, each 10 percent increase in safety-belt use results in 30,000 less serious and moderate injuries and a savings of approximately \$800 million in direct costs to society. David A. Sleet, San Diego St. University, 1986
- Traffic crashes rank as the No. 1 killer of Americans ages 1-40. NHTSA, 1988
- In terms of years of life lost to Americans (based on life expectancy data), injuries as a result of motor vehicle accidents exceed cancer by 1.1 million years and top heart disease and strokes by 900,000 years. Institute of Medicine, National Research Council and the National Academy of Sciences, 1985
- Of motor vehicle-related deaths, 82 percent occur during normal weather conditions. NHTSA, 1988
- Less than one half of 1 percent of all injury-producing, passenger-car collisions involve fire or submersion. NHTSA, 1988

- Safety belts reduce the likelihood of fatal or serious injuries by 40 to 55 percent. NHTSA, 1988
- Automobile accidents cost employers an average of \$120,000 per death and \$1.9 billion annually. National Highway Users Federation and the American Safety Federation (HUF), 1985
- The cost of all traffic deaths and injuries in the United States during 1986 was about \$74.2 billion, including:
 - \$27.4 billion in property damage
 - \$16.4 billion in lost productivity
 - \$ 4.1 billion in medical costs
 - \$26.3 billion in other costs (such as insurance administration, legal and court costs and emergency services.) NHTSA, 1988
- People thrown from their cars are 25 times more likely to be killed than if they stayed in their vehicle. About three out of four people involved in a fatal crash who were thrown from their vehicles in 1984 were killed. NHTSA, 1986
- Of the total passenger-car fatalities, 92 percent occur in the front seat. NHTSA, 1988
- Three out of every four traffic accidents happen within 25 miles of the home. National Safety Council, 1986
- The overall fatality risk of back-seat passengers is reduced by 24 to 40 percent through lap-belt use. NHTSA, June 1988
- Safety-belt-use legislation has been passed in 31 states and the District of Columbia, covering nearly 207,000,000 persons. Traffic Safety Now, Inc., 1988
- It is estimated if 70 percent of passenger car occupants regularly wore their safety belts in 1985, 7,400 lives would have been saved and 135,000 moderate to severe injuries would have been avoided. NHTSA, 1986
- NHTSA estimates lap belts in the rear seat could have saved an estimated 660 lives and prevented 10,200 serious injuries in 1987 if use were 100 percent. NHTSA, 1988
- Safety-belt use among drivers has risen from 14 percent in 1984 to more than 43 percent in 1988. Among states with safety-belt-use laws, 51 percent of motorists observed in 1987 wore their safety belts compared to only 27 percent in states without laws. NHTSA, 1988

SAFETY-BELT FACTS: JUDICIAL DECISIONS

TEXAS

- The Texas First Court of Appeals ruled that the legislature can regulate highways. The judgment was in response to a suit which claimed front-seat occupants should be exempt from safety-belt-use laws because the law excludes postal workers. (Richards v. Texas, 1987)
- The Texas Court of Criminal Appeals refused to review an appeal of the state's belt law by attorney R. D. Richards, who claimed the mandate infringed on his personal liberties.

ILLINOIS

- Elizabeth Kohrig of Illinois was convicted of failing to wear her safety belt. She appealed, claiming a safety-belt-use law violates a motorist's right to privacy. The case went through several courts in Illinois. Kohrig's claim lost at every level, including the United States Supreme Court which said safety-belt-use laws do not pose a "substantial federal question."

HAWAII

- The Hawaii Intermediate Court of Appeals rejected Diana Darnell's challenge to a citation for driving without a safety belt. The court said the "enormous social cost of unnecessary death and injury" justifies the safety-belt-use law. (Darnell v. Hawaii, 1987)

NEW JERSEY

- The New Jersey Supreme Court ruled defendants in accident litigation can resort to a "seat-belt defense" to reduce their financial responsibility. Juries are given a formula by which they can reduce a financial award if the plaintiff was not buckled up when involved in an accident. (Waterson v. General Motors, 1988)

• • •

FACT SHEET:

UNIVERSITY OF MICHIGAN

"Effects Of Mandatory Safety Belt Use On Hospital Admissions"

August 1988

This study assessed the effects of Michigan's safety-belt-use law on more than 8,000 motor-vehicle injuries which resulted in hospitalizations at 14 area hospitals.

It was conducted by the University of Michigan School of Public Health from data collected through the Michigan Inpatient Database from January 1980 through October 1986. Major findings of this study include:

- The Michigan safety-belt-use law passed in July 1985 has resulted in a 19-percent reduction in hospitalizations due to automobile accidents.
- There were 20 percent fewer injuries to body extremities following the passage of Michigan's belt-use law.
- Hospitalizations lasting more than one week decreased nearly 25 percent after the law went into effect.
- After the state safety-belt-use law went into effect, minorities experienced 22 percent fewer injuries.
- A 32-percent decline in injuries occurred among patients using public-health insurance after passage of the state law.
- With regard to the contention that safety belts may cause injuries, researchers concluded "the benefits of restraints far exceed the risks associated with them."

* * *

12/27/88

WHY ALASKA NEEDS A SAFETY BELT USE LAW

By Frank Bickford, Executive Director
Alaska Safety Belt Use Coalition, 360 W.
Benson #101, Anchorage, Ak 99503, 907-
561-7525.

One thing alone can save 35 lives a year, reduce the the hardship and costs of over 600 injuries, save \$5 million worth of lost labor, and decrease economic losses associated with highway death and injury alone by as much as \$13 million (Estimates from The Alaska Highway Users Study, 1987): Wearing The Safety Belts Already In Our Cars.

These facts are just four of the reasons Alaska needs a law requiring safety belt use. Although a major purpose of a Alaska Safety Belt Use Law would be to promote the safety of drivers and passengers using their safety belts, such a law would also:

- promote the safety of street and highway travelers other than safety belt users;
- promote the public welfare and safety by reducing highway deaths and injuries and public expenditures

In other words, if Alaska requires safety belts to be worn -- everyone can benefit!

Belt use laws that have been passed in 31 States and D.C. motivate people to buckle up. Those states found that voluntary use was low and through legislating the use of safety belts the incentives to use them have resulted in significant numbers of lives saved and costs reduced.

Educational campaigns promoting safety belt use have been launched here and across the country. Safety belt usage increases temporarily during the campaign and then returns to a low percentage. The amount of money spent is great and the residual impact slight. Safety belt use laws and an aggressive educational campaign must be combined to achieve maximum use. In the absence of a law even with an educational campaign, less than 32% of the population will buckle up. However, a Hellenthal statewide poll (Alaska) last year showed that 81% of Alaskans would wear safety belts if required by law.

A safety belt use law is the incentive to establish the safety habit in those who otherwise wouldn't buckle up.

If a person is killed or injured, it affects more people than the victim. Persons are not allowed a "freedom to choose" to pay the health care costs of those who "choose" not to wear their safety belts.

The cost of needless fatalities and serious injuries are paid by all persons - not simply the victim- in increased taxes, insurance premiums and health care costs.

Unbelted occupants cause injuries to other occupants by becoming "unguided missiles." Thus, the "freedom to choose" to wear the belt does affect others directly.

Other similar traffic - safety laws protect motorists and others, such as speed limits, drinking and driving and driver licensing. Safety belt use laws are consistent with these and other laws.

Traffic accidents do not happen on personal highways and streets ---- the costs to society in terms of medical, rehabilitation, unemployment and welfare services supercede the "right" of people to seriously or fatally injure themselves or others by not buckling up.

As a citizen and taxpayer, your rights are infringed upon by those who aren't responsible enough to buckle-up voluntarily; they leave you to pick up the tab for increased costs.

Ninety percent of those persons killed in motor vehicle accidents in Alaska during 1985, 1986, and 1987 were not wearing safety belts.

The proposed safety belt use law in Alaska is a secondary offense - requiring that a motorist be stopped for another offense before a \$15 ticket (which may be donated to Emergency medical services) can be issued for not using safety belts.

Secondary enforcement will not impose additional burdens on law enforcement officers responsible for citing motorist under this act. Safety belts reduce traffic fatalities, which are eight times as expensive to investigate as non-injury accidents. In fact, officers would have more time to concentrate on other traffic enforcement programs.

In the past three years Hellenthal & Associates (Polling Firm) have conducted extensive Statewide & Local polls that show over 65% of Alaskans supporting a safety belt use law.

In the past three years over 8,000 Alaskans have signed letters of support for the proposed safety belt use law and over 50 businesses have passed supportive resolutions.

The Alaska State House in 1987 passed the safety belt use law with bipartisan support. The Senate in 1988 failed to act on the legislation but 1989 looks a lot more favorable for passage - Reasons; The Speaker of the House for '89 is Sam Cotten who was the author of the safety belt use bill in 1987. The President of the Senate Tim Kelly has been a supporter of the proposed law and in December of '88 at the Eagle River Valley Community Council again stated his support. The Governor has also stated support for the proposed law and this year's sponsor of the safety belt use bill is State Senator Arliss Sturgelowski - Chairman of the Rules Committee.

The statistics, the public support, the editorial support (Anchorage Times, Anchorage Daily News, Frontiersman, Valley Sun, Juneau Empire), and legislative support shows that the proposed safety belt use law is one that Alaska can live with.



Life

FRIDAY, DECEMBER 23, 1988

The big benefits of buckling up

By Dan Sperling
USA TODAY

Wearing seat belts reduces car-crash victims' injuries by 60 percent and cuts their hospital costs by more than \$1,000, a new study suggests.

Dr. Elizabeth Mueller Orsay, assistant professor of emergency medicine at the University of Illinois School of Medicine in Chicago, and colleagues studied 1,364 emergency-room patients who had been in auto accidents.

Fifty-eight percent wore a safety belt when the accident occurred; 42 percent didn't.

Seat-belt wearers had a 60 percent reduction in injury severity, a 65 percent decrease in hospital admissions and a 66 percent reduction in hospital costs compared with those who wore no seat belt.

How seat-belt wearers fared compared with those who didn't:

► Seven percent of the seat-belt wearers had to remain in the hospital overnight, compared with 19 percent of the other patients.

► The average hospital charge for seat-belt wearers was \$534, compared with \$1,583 for those not wearing a seat belt.

"This study very strongly shows the benefits of buckling up, both for the individual and for society as a whole," says Orsay, whose study is reported in today's *Journal of the American Medical Association*.

Car accidents are the USA's leading cause of death among people age 5 to 34, and cost the country an estimated \$57 billion a year, says Orsay.

About 3.2 million people are injured each year in car accidents. Though the government estimates that if everyone used seat belts, traffic fatalities would be cut in half and injuries reduced by 65 percent, only 31 states and the District of Columbia have laws requiring their use.

Another report, in the same issue, estimates that North Carolina's mandatory seat-belt law, enacted last year, has resulted in 1,100 fewer severe and fatal highway injuries annually.

Robert B. Atwood
President and Publisher

Elaine Atwood
Assistant Publisher

William J. Tobin
Vice-President, Editor-in-Chief

Editorials

You buckle up in Canada

IN THE for-what-it's-worth department, all the provinces of Canada now have laws making mandatory the use of seat belts by motorists.

Prince Edward Island was the last to join the national movement, putting its mandatory seat belt law into effect this past January.

British Columbia was an early member of the buckle-up brigade, enacting its mandatory law in October 1977. Alberta, among the Western provinces, joined the flock last July.

The reason, of course, is that seat belts save lives — even though their use is a habit that many motorists find hard to adopt.

Arguments that it infringes on personal rights to make it illegal to drive without seat belts are no more valid than saying that requiring a motorist to have a driver's license is an attack on one's liberties.

A bill to make it illegal to

drive in Alaska without seat belts snapped into place was killed in the last legislative session. It died in committee, despite indications that it would have passed given the chance to reach the floor.

ONCE AGAIN, the argument was that it's none of the state's business whether a person buckles up — and that without the requirement, independent Alaskans will do what's right and they don't need the state telling them what to do.

The same Alaskans, however, apparently have no reluctance to fasten their seat belts when they board an airplane — something that also is mandated by the long arm of the law.

And the fact remains that there is more danger of a fatal accident on the highway than there is in the air.

So what's the problem, anyway?

Position Paper

HB 105

For an Act entitled: "An Act relating to mandatory use of safety devices in motor vehicles."

This act repeals and reenacts AS 28.05.095 to require that "a person 16 years of age or older may not occupy a motor vehicle while being driven unless restrained by a safety belt."

Children under four years old are required to be in a U.S. Department of Transportation (DOT) approved child safety device, and children between four and sixteen must be in an approved safety device or secured by a safety belt.

This bill would exempt emergency vehicles from the requirement, vehicle operators engaged in the delivery of mail and others as determined by regulation.

The bill would establish a penalty of up to \$15 in fines which could be waived in lieu of a contribution to the local Emergency Medical Service (EMS).

The Department of Health and Social Services supports the passage of this bill for the following reasons:

- 1) Motor vehicle crashes are a leading cause of death, injury and long-term disability;
- 2) Numerous studies have shown that safety belts and other vehicle safety restraints substantially reduce the likelihood of death or injury to motor vehicle occupants involved in crashes;
- 3) Efforts to educate the public about the benefits of safety belts have failed to convince the majority of vehicle occupants to use their safety belts.
- 4) Motor vehicle crashes are the single most frequently mentioned cause of injury responded to by EMS ambulances. The proposed donation in lieu of a fine would help to defray the cost of these services.

Background

Nationally, motor vehicle crashes are the leading cause of death to persons between one and 35 years of age. For teenagers, car crash fatalities out-number the next five causes of death combined. Over the past decade more than 450,000 persons have died on America's highways. Every year over 40,000 persons are killed in automobile accidents in the United States, and more than 300,000 people suffer moderate

to severe and critical injuries. Many of the victims are young people who will never work again for the rest of their lives.

In Alaska, from 1980 through 1985, unintentional injuries (accidents) have been the leading cause of death for all ages. Motor vehicle crashes and drowning have been the chief causes of these deaths. In 1986 there were 101 deaths and more than 5,000 Alaskans were injured as a result of motor vehicle crashes in this state.

According to the Highway Safety Planning Agency, property damage from motor vehicle crashes amounted to over \$40,000,000 in 1986. This does not include bodily injury claims payments for private passenger non-fleet automobile liability in Alaska which totaled over six million dollars in 1983 and was over eight million in 1984. These amounts do not include paid losses from other third party payers, such as Medicare, Medicaid, General Relief Medical, Indian Health Service or Workers Compensation. Clearly, in addition to the unacceptable losses from premature death and disabilities, motor vehicle crashes create a significant financial burden which is shared by all citizens.

Worldwide, almost 40 countries have mandated safety belt use. In Great Britain seat belt use rose from about 40% to 90-95% with the passage of a mandatory use law. At the same time the number of individuals treated in emergency rooms as the result of motor vehicle crashes has dropped 15%. There were also 15% to 20% fewer fatalities in the years since the passage of the law.

In Canada, all provinces have enacted mandatory safety belt use laws. The effectiveness of these laws in increasing belt use has been shown to be dependent on the degree to which they are enforced. In provinces where strict enforcement has been practiced belt use has been up to 80%. Deaths due to motor vehicle crashes have declined 11% and injuries 6%, in provinces with mandatory use laws.

In this country, 31 states and the District of Columbia now have mandatory belt use laws. New York was the first state to pass such a law. Safety belt use there is now about 64%. This use rate has resulted in about a 9% drop in motor vehicle crash fatalities.

It is clear that the use of safety belts can reduce the number of deaths and disabilities due to motor vehicle crashes. A mandatory safety belt use law would go far to achieve this goal and complement existing traffic safety

POSITION PAPER/Department of Health & Social Services

legislation regarding liability while not exceeding maximum speed limits, and licensing requirements.

Position

The Department of Health and Social Services strongly supports this bill because it can result in significant decreases in the number of deaths, disabilities and injuries caused by motor vehicle crashes.

Recommended by: Elizabeth Ward, M.N.
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: _____

Approved by: Myra M. Munson
Myra M. Munson
Commissioner
Department of Health and
Social Services

Date: 1/29/89

FISCAL NOTE

REQUEST:

Revision Date: 01/20/90
 Title: "An Act relating to mandatory use of safety devices in motor vehicles."
 Sponsor: Cotton, Limer, Zawacki, et. al.
 Requestor: _____
 Agency Affected: Department of Health & Social Services
 BRU: State Health Services
 Components: Emergency Medical Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 105 would have no direct fiscal impact on the Department of Health & Social Services.

Prepared by: Elizabeth Ward, Director Phone: 465-3090
 Division: Public Health Date: _____

Approved by Commissioner: Myra M. Hunsor Date: 1/29/89
 Agency: Department of Health and Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

HOUSE COMMITTEE REPORT

2/17

(7)

Date Referred: February 1, 1989

FURTHER REFERRALS:

Rules

Date of Committee Action: 2/16/89

The JUDICIARY Committee recommends that:

NB 105

HOUSE BILL NO. 105 [MANDATORY SEATBELTS]
"An Act relating to mandatory use of safety devices in motor vehicles."

be replaced with CS HB 105 - Judiciary the same title
 a new title

have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

fiscal note(s) published:

zero fiscal notes(s) published:

Pub Safety 2/1/89 w/analysis

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)

[Signature] GRUENBERG
[Signature] M. DAVIS
[Signature] ELLIS
[Signature] MARTIN

[Signature] BOLL
[Signature] MILLER
[Signature] DAVIDSON

[Signature]
 Co-Chairman's signature

A M E N D M E N T

#3

OFFERED IN THE HOUSE

BY GRUENBERG

TO: HB 105

Page 1, line 13

Strike "provided and"

Comment: surplusage

A M E N D M E N T

#4

OFFERED IN THE HOUSE

BY GRUENBERG

TO: HB 105

Page 1, line 29

Strike "acting in the course of employment"

Comment: a person could be delivering newspapers or letters
voluntarily

A M E N D M E N T

OFFERED IN THE HOUSE

BY GRUENBERG

TO: HB 105

Page 1, line 28, after "in":

Insert "a school bus or"

Version offered

2/15/89

6-0602Ac
Ford

A M E N D M E N T #1B

OFFERED IN THE HOUSE

BY HOFFMAN

TO: HB 105

Page 2, lines 16 - 22:

Delete all material.

Insert new bill sections to read:

"* Sec. 2. AS 28.05.096 is amended to read:

Sec. 28.05.096." EXEMPTIONS AND ALTERNATIVE SAFETY DEVICES. (a)
The commissioner of public safety may adopt regulations to exempt a
person [CHILD] or a class of persons [CHILDREN] from the requirements
of AS 28.05.095 if the commissioner determines that the use of a
safety belt or child safety device is impractical because of physical
or medical conditions of the person or class of persons [CHILD].

(b) The commissioner of public safety shall specify alternative
means of protection for children exempted under (a) of this section.

* Sec. 3. AS 28.05.096 is amended by adding a new subsection to read:

(c) A municipality or established village that is not connected
by land highway to the state highway system established under AS 19.-
10.020 may exempt itself from the provisions of AS 28.05.095 or vote
to remove the exemption as provided under AS 28.05.102. An exemption
or removal of an exemption takes effect 30 days after certification of
the results of the election. In this subsection, "established vil-
lage" has the meaning given in AS 04.21.080(b)."

Renumber the following bill section accordingly.

Page 3, after line 21:

Insert a new bill section to read:

"* Sec. 5. AS 28.05 is amended by adding a new section to article 2 to read:

Sec. 28.05.102. SAFETY DEVICE ELECTION PROCEDURE. (a) Whenever a number of registered voters equal to at least 35 percent of the number of votes cast at the last regular municipal election petition the local governing body to do so, the local governing body of a municipality shall place upon a separate ballot at the next regular election or at a special election the text of AS 28.05.095 and the following question: "Shall the use of seat belts or child safety devices be required under AS 28.05.095?". The local governing body shall conduct the election under the election ordinance of the municipality.

(b) Whenever 35 percent of the registered voters residing within an established village petition the lieutenant governor to do so, the lieutenant governor shall place upon a separate ballot at a special election the text of AS 28.05.095 and the following question: "Shall the use of seat belts or child safety devices be required under AS 28.05.095?". The lieutenant governor shall conduct the election in the general manner prescribed by AS 15 (Alaska Election Code).

(c) An election under (a) or (b) of this section may not be conducted more than once every 12 months.

(d) In this section, "established village" has the meaning given

in AS 04.21.080(b)."

A M E N D M E N T

OFFERED IN THE HOUSE

BY GRUENBERG

TO: HB 105

Page 1, line 28, after "in":

Insert "a school bus or"

PB87-917002



NATIONAL TRANSPORTATION SAFETY BOARD

WASHINGTON, D.C. 20594

SAFETY STUDY

CRASHWORTHINESS OF LARGE POSTSTANDARD SCHOOLBUSES

EXCERPTS ONLY

NTSB/SS-87/01

UNITED STATES GOVERNMENT



CONCLUSIONS

1. Poststandard large schoolbuses are an extremely safe form of transportation compared to other modes of transportation.
2. The Federal schoolbus safety standards, providing for "compartmentalization," worked well in the Safety Board-investigated crashes to protect schoolbus passengers from injury in all types of accidents. Ninety percent of the unrestrained passengers in the accidents in the Safety Board's schoolbus study received only minor or no injuries.
3. If schoolbus passengers were injured, they were most likely to receive minor injuries. Moderate injuries were rare, and serious to critical injuries extremely rare. Intrusion was responsible for the most of the moderate or greater injuries.
4. Intrusion was responsible for all but 2 of the 13 schoolbus passenger fatalities in this study and for all of the schoolbus driver fatalities.
5. Schoolbus occupant deaths and the serious or worse injuries sustained by survivors in the study were, for the most part, attributable to the occupants' seating position being in direct line with the crash forces. It is unlikely that the availability of any type of restraint would have improved their injury outcome.
6. Schoolbus accidents involving collisions with a heavy truck were the most serious injury-producing crashes in the study in terms of schoolbus passenger outcome. Accidents involving passenger cars were the least harmful to schoolbus passengers.
7. Ejection was extremely rare among the unrestrained schoolbus passengers in the study. Approximately 15 of the 1,119 unrestrained passengers were either partially or totally ejected. Since the accidents in the study represent the more severe end of the schoolbus accident scale, and include a disproportionate number of rollovers, it is reasonable to believe that ejection is extremely rare in the overall population of all schoolbus crashes.
8. The post-1977 Federal schoolbus standards requiring increased side panel and roof strength appear to have been successful in eliminating the structural failures responsible for many of the ejections which occurred in prestandard schoolbuses.
9. Schoolbus maintenance access panels failed to withstand crash forces in five cases, which included moderate as well as severe accidents, and came free, becoming a source of injury for passengers.
10. Schoolbus seat cushions were unsecured following 16 crashes; in some cases, schoolbus passengers were injured by contact with the loose cushions or the exposed seat frame.

11. Rollover accidents in the Safety Board's study were associated with higher levels of schoolbus passenger injuries than nonrollovers but to a much smaller degree than anticipated; nearly 86 percent of all the schoolbus passengers involved in rollover crashes were either uninjured or received only minor injuries.
12. The slight increase in the schoolbus passenger injury severity associated with rollover accidents in the study was due primarily to one type of rollover accident: rollover preceded by collision. The initial impact, not the rollover, was responsible for the higher injury levels.
13. Analysis which aggregates rollover accidents, regardless of severity or prior collision, may inflate the importance of the rollover itself as the injury-producing event and mask the importance of other events during the accident, i.e., crush from the initial impact, initial impact crash forces, and lateral rotation.
14. Lap belt use probably would have made no change in the total number of schoolbus passengers who died in the crashes investigated for this study (possibly one more death would have resulted).
15. Lap belt use probably would have made no change in the number of surviving schoolbus passengers with severe or worse injuries.
16. At best, lap belt use probably would have reduced somewhat the injuries of less than a third (8) of the 24 surviving schoolbus passengers with serious injuries in the study and made no change for the majority (12). At worst, it might have increased the injury to almost as many passengers with serious injuries as it improved.
17. Lap belt use probably would have worsened the outcome for one-fifth of the 58 schoolbus passengers with moderate injuries. The Safety Board cannot determine the effect belt use would have made on the remainder of the passengers with moderate injuries.
18. The Safety Board cannot estimate the probable net effect of lap belt use on the unrestrained schoolbus passengers in the study who were uninjured or received only minor injuries; it is unlikely that it would have reduced the minor injuries.
19. Almost half of the schoolbus drivers in the study, although required to be restrained when the bus is in motion, were not wearing their lap belts.
20. The lap belted schoolbus drivers did not fare better, overall, than the unrestrained drivers, an outcome probably attributable to the nature and severity of the crashes involving lap belted drivers.

S4.1.1.3.2 Convertibles and open-body type vehicles shall at each designated seating position have a Type 1 or Type 2 seatbelt assembly that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard, and at each front outboard designated seating position have a seatbelt warning system that conforms to S7.3.

S4.1.2 [Passenger cars manufactured on or after September 1, 1973, and before September 1, 1986. Each passenger car manufactured on or after September 1, 1973, and before September 1, 1986, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3. A protection system that meets the requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3. (49 F.R. 28962—July 17, 1984; effective 8/16/84)]

S4.1.2.1 First option—frontal/angular automatic protection system. The vehicle shall—

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) At each [front center] designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2; and

(c) Either—

(1) Meet the lateral crash protection requirements of S5.2 and the rollover crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front [outboard] designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 through S7.3, and that meets the requirements of S5.1 with front test dummies as required by S5.1, restrained by the Type 1 or Type 2 seat belt assembly (or the pelvic portion of any Type 2 seat belt assembly which has a detachable upper torso belt) in addition to the means that require no action by the vehicle occupant.

S4.1.2.2 Second option—head-on [automatic] protection system. The vehicle shall—

(a) At each designated seating position have a Type 1 seat belt assembly or a Type 2 seat belt assembly with a detachable upper torso portion that conforms to S7.1 and S7.2 of this standard.

(b) At each front [outboard] designated seating position, meet the frontal crash protection re-

quirements of S5.1, in a perpendicular impact, by means that require no action by vehicle occupants;

(c) At each front [outboard] designated seating position, meet the frontal crash protection requirements of S5.1, in a perpendicular impact, with a test device restrained by a Type 1 seatbelt assembly; and

(d) At each front outboard designated seating position, have a seatbelt warning system that conforms to S7.3.

S4.1.2.3 Third option—lap and shoulder belt protection system with belt warning.

S4.1.2.3.1 Except for convertibles and open-body vehicles, the vehicle shall—

(a) At each front outboard designated seating position have a seat belt assembly that conforms to S7.1 and S7.2 of this standard, and a seat belt warning system that conforms to S7.3. The belt assembly shall be either a Type 2 seat belt assembly with a nondetachable shoulder belt that conforms to Standard No. 209 (§ 571.209), or a Type 1 seat belt assembly such that with a test device restrained by the assembly the vehicle meets the frontal crash protection requirements of S5.1 in a perpendicular impact.

(b) At any center front designated seating position, have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 (§ 571.209) and to S7.1 and S7.2 of this standard, and a seat belt warning system that conforms to S7.3; and

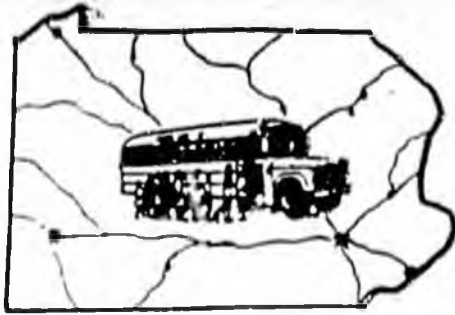
(c) At each other designated seating position, have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 (§ 571.209) and S7.1 and S7.2 of this standard.

S4.1.2.3.2 Convertibles and open-body type vehicles shall at each designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 (§ 571.209) and to S7.1 and S7.2 of this standard, and at each front designated seating position have a seat belt warning system that conforms to S7.3.

S4.1.3 [Passenger cars manufactured on or after September 1, 1986, and before September 1, 1989.

S4.1.3.1 Passenger cars manufactured on or after September 1, 1986, and before September 1, 1987.

S4.1.3.1.1 Subject to S4.1.3.1.2 and S4.1.3.4, each passenger car manufactured on or after September 1, 1986, and before September 1, 1987, shall comply with the requirements of S4.1.2.1, S4.1.2.2 or S4.1.2.3.



THE YELLOW NUGGET

PUPIL TRANSPORTATION ASSOCIATION OF PENNSYLVANIA, INC.

VOLUME 10, NUMBER 1

NEWSLETTER

SUMMER 1984

President
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Upper Moreland Twp.
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Willow Grove, PA 19090

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Unionville, PA 19375

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Duncannon, PA 17020

Executive Director
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State College, PA
16803-7009

Science Fair V/Inner

SIXTH GRADER STUDIES SEAT BELT ISSUE

The controversial subject of seat belts for school buses is touching all ages and segments of the population, not just professional school transportation personnel. Kim Dahlin, a sixth grade student at the Susquenita Elementary School, Susquenita School District, Dauphin county, took this issue as her subject for the Elementary Science Fair this spring and was declared first place winner.

Kim's results--that seat belts should not be used on school buses--represent a change of opinion in her sampling of 281 people ages 6 to 56 years and over and are based largely on facts obtained through cooperation with the Pennsylvania State Police and the Rohrer Bus Service, Duncannon.

The idea formed when Kim realized that she and her family, Mr. and Mrs. Steve Dahlin and brother Troy, always "buckle up" when they get in the family car, but no one on a school bus even has an opportunity to do so. She observed that it is now law to provide and use a safety device for children 4 and under, so she felt the lack of seat belts on school buses indicated a lack of concern for the safety of older children.

Kim thought there should be seat belts on school buses and so did 173 of the 281 people who responded to her questionnaire.

Kim began with the hypothesis: "to prove that seat belts should be put in school buses for the safety of us kids: 'Seat belts save lives' and injuries."

To gather information she prepared and distributed 500 questionnaires to people from 6 to 56 years and over, including school bus drivers; obtained printed information from the Pennsylvania State Police and the Pennsylvania Dept. of Highway Safety; met with Carroll Miller, manager, school bus operations, Rohrer Bus Service.

Of the 281 completed and returned questionnaires, 173 people thought seat belts should be put on school buses. Their reasons were:

- * 144--to prevent flying around which causes injuries
- * 35--to keep kids in their seats so they don't bother the bus driver
- * 9--to limit number of kids to one seat or no reason given

But 108 people thought seat belts should not be on school buses, and their reasons were:

- * 20--children wouldn't listen and wear seat belts
- * 19--children could not get out of the bus fast enough in emergencies
- * 12--with three children in a seat, seat belts wouldn't work (too crowded)
- * 44--no reason listed

Ten school bus drivers also listed their reasons for opposing the installation of seat belts:

- * Young children cannot work them; also too loose
- * Used as a weapon
- * Wouldn't keep them on
- * With three high school students on a seat, seat belts would not work
- * Everyone would have to unbuckle to let the person on the inside of the seat out
- * Mandalism--torn, cut, slashed, jammed, muddy

Specific information swayed Kim away from her original theory. From State Police Corporal Ken Mettler she learned that in this state from 1974-84 the accidents that resulted in death of students have all happened outside the school bus. The number of school bus accidents has increased, but the number of students either injured or killed has dropped.

From the Rohrer Bus Service she learned:

- * Because seats are too close together, a child wearing a seat belt will take the full impact of the collision on the head, face, and neck.
- * Lap seat belts worn on young children can cause crushed kidneys, ruptured bladders, and other internal injuries when involved in an accident.
- * Buses that have tried seat belts have had more injuries from seat belts being used as weapons.
- * Young children are sometimes unable to open seat belts and could be trapped in an emergency. In cases of bus roll-overs, children could be hanging upside down and unable to unfasten belts to get out of the bus.
- * Bus seats have had extra padding added so there are no metal parts to injure children.
- * Bus seats have been moved closer to compartmentalize for protection.
- * New window and door designs keep children from being thrown out of the bus.
- * The heavy steel frame under the bus floor provides tremendous protection. Installing seat belts on the floor would weaken the floor structure.
- * Bus bodies will absorb a lot of the shock during an accident.

Kim concluded her project by saying, "In my hypothesis I tried to prove that seat belts should be put on school buses to save lives and injuries. What I found out is that I was wrong and seat belts would cause more injuries than without them. Seat belts are not needed in school buses. What is needed is an adult on each bus to control the children so the bus driver can concentrate on the road and safe driving."

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Highway Patrol as reasons why the device should not be employed."

SUMMARY

The information provided can best be summed up in a listing of pros and cons regarding the use of seat belts in school buses. The listing includes information derived from the listed study, conversations with American Transportation officials, magazine articles, legislators and everyday citizens.

Pros

Cons

Riders are better off restrained than unrestrained if the bus rolls over, crashes into another object, or stops suddenly.

The danger of a small child being trapped by seat belts in a crashed vehicle is greater with seat belts.

Because law requires seat belts in cars, and it is a proven fact they decrease the chances of death in case of impact, children who ride in school buses should also be required to wear seat belts so they can get into the habit of buckling up and we should make every effort to decrease the death percentage.

Seat belts would be used as weapons, thus an increase in accidental injury rate.

Seat belts would require an assistant to the driver, a supervisor, thereby increasing cost.

Monitors of expensive equipment would be required to ensure that students wore belts and were properly belted.

Seat belts would be vandalized, thus a great replacement expense. There is significant cost to installing seat belts plus a 60% loss in the number of passengers each bus can carry.



STATE OF ARKANSAS
LEGISLATIVE COUNCIL
315 STATE CAPITOL
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V

FEASIBILITY OF REQUIRING
SCHOOL DISTRICTS TO INSTALL
SEAT BELTS ON SCHOOL BUSES

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